

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Masahiru OSHIKIRI et al.

Appln. No.: 10/573,812

Filed: March 28, 2006

For: SAMPLING RATE CONVERSION APPARATUS, ENCODING
APPARATUS DECODING APPARATUS AND METHODS THEREOF

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
Washington, DC 20231

Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the art listed on the attached Form PTO 1449. Attached is an Office Action for the corresponding Japanese Patent Application dated July 14, 2009.

The cited art is listed in the attached PTO-1449 for an indication of consideration by the examiner.

Copies of any references listed on the PTO-1449, besides U.S. patent documents, are submitted herewith. In addition, provided herewith are (1) a copy of JP '648 which was submitted with the Information Disclosure Statement of March 28, 2006, although listed on the PTO-1449 as a WO document based on the English Abstract provided with that Information Disclosure Statement, and (2) copies of the three non-patent literature documents which were cited in the International Search Report (copy submitted March 26, 2006) and in the

Information Disclosure Statement of March 28, 2006. Copies of (1) and (2) are being provided in order to supplement the Information Disclosure Statement of March 28, 2006, so that no fee is deemed to be warranted. An indication of consideration of these references is respectfully requested.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention; see *Beckman Instruments, Inc. v. Chemtronics, Inc.*, 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970).

Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and appear among the "References Cited" on any patent to issue herefrom.

If any fee is due it may be charged to Deposit Account No. 04-1061.

Respectfully submitted,

/James Edward Ledbetter/

Date: October 14, 2009

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JEL/vrw

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